

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**904 SECOND APPEAL NO.638 OF 2022
WITH
CA/11677/2019 IN SA/638/2022**

RAMKISAN KAMAJI KOMATWAR (TELANG) DIED THRO. LRS. GEETA
RAMKISAN KOMATWAR AND OTHERS
VERSUS
JAINODDIN YASINSAHEB MNOMIN DIED LRS. AFSAR
JAINODDINMOMIN AND OTHERS

...
Advocate for Appellants : Mr. Jain Gajendra Devichand
Advocate for Respondent Nos.1A to 1E, 2, 4 : Mr. F. K Patel
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 18th November, 2022

PER COURT :

1. Heard learned Advocates appearing for both the parties.
2. The suit filed by the respondents/original plaintiffs for declaration and injunction has been partly decreed in favour of the respondents/plaintiffs. The Trial Court has held that in the earlier suit filed between the parties for declaration of the title on the basis of the sale deeds has already been decided in favour of the respondents/plaintiffs. The appellant herein defendant No.1, has purchased part of the suit property from the defendant in the earlier suit. Thus the

appellant does not hold title to the suit property and has been directed to remove his possessions from the suit property. He is further restrained from obstructing the possession of the plaintiffs. The decree of the Trial Court is confirmed by the Appellate Court and the Appellate Court has concurrently held that the plaintiffs have title over the suit property and thus passed the consequential orders.

3. Heard learned Advocate for the appellants. He is not able to show any material on record to dislodge the title of the plaintiffs over the suit property. Thus in absence of any right over the suit property, in the present second appeal no substantial questions of law arises. Hence, this second appeal stands dismissed. Pending civil application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.